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10 Attorneys for Plaintiff  
11 CAPITAL TRUST, INC.

12  
13 **IN THE UNITED STATES DISTRICT COURT**  
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
15 **(SAN FRANCISCO DIVISION)**

16 CAPITAL TRUST, INC.,

17 Plaintiff,

18 vs.

19 WALTER R. LEMBI, individually and as  
20 trustee of the WALTER AND LINDA LEMBI  
21 FAMILY TRUST DATED JUNE 30, 2004;  
22 FRANK E. LEMBI, individually and as trustee  
23 of the OLGA LEMBI RESIDUAL TRUST  
24 CREATED UNDER THE PROVISIONS OF  
25 PART THREE OF THE LEMBI FAMILY  
26 REVOCABLE TRUST DATED FEBRUARY  
27 17, 1984, and as the trustee of the FRANK E.  
28 LEMBI'S TRUST DATED FEBRUARY 17,  
1984; BILLIE SALEVOURIS, individually;  
BILLIE Z. SALEVOURIS, as trustee for THE  
BILLIE SALEVOURIS TRUST DATED  
AUGUST 23, 1983 AS RESTATED ON MAY  
24, 2002; DAVID M. RAYNAL, individually  
and as trustee for the DAVID M. RAYNAL  
REVOCABLE TRUST DATED MAY 9, 2002;  
RALPH DAYAN, individually and as co-  
trustee for the AMENDED AND RESTATED  
DAYAN FAMILY REVOCABLE TRUST  
DATED DECEMBER 31, 1991,

Defendants.

Case No. C 09-02492 JSW

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE HEARING DATE  
AND MODIFY BRIEFING SCHEDULES  
RE MOTIONS SET FOR HEARING ON  
NOVEMBER 5, 2010**

Judge: Hon. Jeffrey S. White  
Courtroom 11, 19<sup>th</sup> Flr.

1 The parties have filed the following motions, all of which are set for hearing on  
2 November 5, 2010 before this Court:

3 (1) MOTION to Intervene filed by LBUBS2004-C8 BARTLETT STREET LIMITED  
4 PARTNERSHIP, LBUBS2004-C8 BAY CLAY LIMITED PARTNERSHIP,  
5 LBUBS2004-C8 GOUGH STREET LIMITED PARTNERSHIP, LBUBS2004-C8  
6 HYDE STREET LIMITED PARTNERSHIP, LBUBS2004-C8 JOICE STREET  
7 LIMITED PARTNERSHIP, LBUBS2004-C8 JONES STREET LIMITED  
8 PARTNERSHIP, LBUBS2004-C8 LOMBARD STREET LIMITED PARTNERSHIP,  
9 LBUBS2004-C8 MASON STREET LIMITED PARTNERSHIP, LBUBS2004-C8 Van  
10 Ness Limited Partnership (dkt #84)

11 (2) MOTION for Summary Judgment filed by LBUBS2004-C8 BARTLETT  
12 STREET LIMITED PARTNERSHIP, LBUBS2004-C8 BAY CLAY LIMITED  
13 PARTNERSHIP, LBUBS2004-C8 GOUGH STREET LIMITED PARTNERSHIP,  
14 LBUBS2004-C8 HYDE STREET LIMITED PARTNERSHIP, LBUBS2004-C8 JOICE  
15 STREET LIMITED PARTNERSHIP, LBUBS2004-C8 JONES STREET LIMITED  
16 PARTNERSHIP, LBUBS2004-C8 LOMBARD STREET LIMITED PARTNERSHIP,  
17 LBUBS2004-C8 MASON STREET LIMITED PARTNERSHIP, LBUBS2004-C8 Van  
18 Ness Limited Partnership (dkt #85)

19 (3) MOTION for Summary Judgment; Memorandum of Points and Authorities in  
20 Support filed by Capital Trust, Inc. (dkt # 86)

21 Pursuant to Local Rule L-R 7-3, opposition briefs to these motions must be filed on or  
22 before October 15, 2010, and reply briefs must be filed on or before October 22, 2010.

23 Due to the appearance of Kasowitz Benson Torres & Friedman LLP as new counsel for  
24 Plaintiff, the parties hereby stipulate and agree to continue the deadlines as follows:

25 (1) Opposition briefs to the above listed motions shall be due on or before November 5,  
26 2010;

27 (2) Reply briefs to the above-listed motions shall be due on or before November 19,  
28 2010;

(3) the hearing dates on the motions shall be continued to December 3, 2010, or to a  
subsequent date convenient to the Court.

IT IS SO STIPULATED.

DATED: October 13, 2010

KASOWITZ BENSON TORRES & FRIEDMAN LLP

By: /s/ Margaret A. Ziemianek  
Attorneys for Plaintiff  
CAPITAL TRUST, INC.

By:

LBUBS2004-C8 BARTLETT STREET LIMITED  
PARTNERSHIP, LBUBS2004-C8 BAY CLAY  
LIMITED PARTNERSHIP, LBUBS2004-C8  
GOUGH STREET LIMITED PARTNERSHIP,  
LBUBS2004-C8 HYDE STREET LIMITED  
PARTNERSHIP, LBUBS2004-C8 JOICE STREET  
LIMITED PARTNERSHIP, LBUBS2004-C8  
JONES STREET LIMITED PARTNERSHIP,  
LBUBS2004-C8 LOMBARD STREET LIMITED  
PARTNERSHIP, LBUBS2004-C8 MASON  
STREET LIMITED PARTNERSHIP, LBUBS2004-  
C8 Van Ness Limited Partnership

By:

WALTER R. LEMBI, individually and as trustee of the WALTER AND LINDA LEMBI FAMILY TRUST DATED JUNE 30, 2004 and FRANK E. LEMBI, individually and as trustee of the OLGA LEMBI RESIDUAL TRUST CREATED UNDER THE PROVISION OF PART THREE OF THE LEMBI FAMILY REVOCABLE TRUST DATED FEBRUARY 17, 1984 and as the trustee of the FRANK E. LEMBI SURVIVOR'S TRUST DATED FEBRUARY 17, 1984

1  
2 DATED: October 8, 2010

DUANE MORRIS LLP

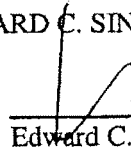
3 By:

Phillip K. Wang  
Attorneys for Plaintiffs-in-Intervention  
LBUBS2004-C8 BARTLETT STREET LIMITED  
PARTNERSHIP, LBUBS2004-C8 BAY CLAY  
LIMITED PARTNERSHIP, LBUBS2004-C8  
GOUGH STREET LIMITED PARTNERSHIP,  
LBUBS2004-C8 HYDE STREET LIMITED  
PARTNERSHIP, LBUBS2004-C8 JOICE STREET  
LIMITED PARTNERSHIP, LBUBS2004-C8  
JONES STREET LIMITED PARTNERSHIP,  
LBUBS2004-C8 LOMBARD STREET LIMITED  
PARTNERSHIP, LBUBS2004-C8 MASON  
STREET LIMITED PARTNERSHIP, LBUBS2004-  
C8 Van Ness Limited Partnership

11  
12 DATED: October <sup>13</sup>8, 2010

EDWARD C. SINGER, JR.


13  
14 By:

  
Edward C. Singer Jr.  
Attorneys for Defendants  
WALTER R. LEMBI, individually and as trustee of  
the WALTER AND LINDA LEMBI FAMILY  
TRUST DATED JUNE 30, 2004 and FRANK E.  
LEMBI, individually and as trustee of the OLGA  
LEMBI RESIDUAL TRUST CREATED UNDER  
THE PROVISION OF PART THREE OF THE  
LEMBI FAMILY REVOCABLE TRUST DATED  
FEBRUARY 17, 1984 and as the trustee of the  
FRANK E. LEMBI SURVIVOR'S TRUST DATED  
FEBRUARY 17, 1984

1 DATED: October <sup>13</sup> 8, 2010

FRIEDMAN DUMAS & SPRINGWATER LLP

2 By:

  
3 Ellen A. Friedman

4 Mary Elaine Hammond

5 Stefanie Ann Elkins

6 Attorneys for Defendants

7 BILLIE Z. SALEVOURIS, individually and as

8 trustee for THE BILLIE SALEVOURIS TRUST

9 DATED AUGUST 23, 1983 AS RESTATED ON

10 MAY 24, 2002; DAVID M. RAYNAL, individually

11 and as trustee for the DAVID M. RAYNAL

12 REVOCABLE TRUST DATED MAY 9, 2002;

13 RALPH DAYAN, individually and as co-trustee for

14 the AMENDED AND RESTATED DAYAN

15 FAMILY REVOCABLE TRUST DATED

16 DECEMBER 31, 1991

17 **PROPOSED ORDER**

18 IT IS HEREBY ORDERED THAT the November 5, 2010 hearing date on the following  
19 motions is hereby VACATED:

20 (1) MOTION to Intervene filed by LBUBS2004-C8 BARTLETT STREET LIMITED  
21 PARTNERSHIP, LBUBS2004-C8 BAY CLAY LIMITED PARTNERSHIP,  
22 LBUBS2004-C8 GOUGH STREET LIMITED PARTNERSHIP, LBUBS2004-C8  
23 HYDE STREET LIMITED PARTNERSHIP, LBUBS2004-C8 JOICE STREET  
24 LIMITED PARTNERSHIP, LBUBS2004-C8 JONES STREET LIMITED  
25 PARTNERSHIP, LBUBS2004-C8 LOMBARD STREET LIMITED PARTNERSHIP,  
26 LBUBS2004-C8 MASON STREET LIMITED PARTNERSHIP, LBUBS2004-C8 Van  
27 Ness Limited Partnership (dkt #84)

28 (2) MOTION for Summary Judgment filed by LBUBS2004-C8 BARTLETT  
STREET LIMITED PARTNERSHIP, LBUBS2004-C8 BAY CLAY LIMITED  
PARTNERSHIP, LBUBS2004-C8 GOUGH STREET LIMITED PARTNERSHIP,  
LBUBS2004-C8 HYDE STREET LIMITED PARTNERSHIP, LBUBS2004-C8 JOICE  
STREET LIMITED PARTNERSHIP, LBUBS2004-C8 JONES STREET LIMITED  
PARTNERSHIP, LBUBS2004-C8 LOMBARD STREET LIMITED PARTNERSHIP,  
LBUBS2004-C8 MASON STREET LIMITED PARTNERSHIP, LBUBS2004-C8 Van  
Ness Limited Partnership (dkt #85)

(3) MOTION for Summary Judgment; Memorandum of Points and Authorities in  
Support filed by Capital Trust, Inc. (dkt # 86)

All three motions shall be heard on December 10, 2010. Opposition briefs shall be  
filed and served on or before November 5, 2010. Reply briefs shall be filed and served on or

1 before November 19, 2010.

2 IT IS SO ORDERED.

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4 Dated: October 14, 2010

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Hon. Jeffrey S. White